IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

WP(C).No. 25019 of 2007(C)

PETITIONER:

SAGAR RAJAPPAN NAIR, AGED 27 YEARS,
CHERUVALLYTHARA HOUSE,VENNIKULAM P.O.,
MALLAPPALLY TALUK, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW

RESPONDENTS:
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1. UNION OF INDIA REPRESENTED BY THE SECRETARY,MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI

2. THE PASSPORT OFFICER, PASSPORT OFFICE, KAITHAMUKKU, THIRUVANANTHAPURAM-24.

3. THE SUPERINTENDENT OF POLICE, PATHANAMTHITTA.

BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 25019 OF 2007
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Dated this the 14th day of September, 2007

J U D G M E N T

The prayer in this writ petition is to quash Ext.P5 and to direct the 2nd respondent to renew Ext.P1 passport of the petitioner forthwith. Ext.P5 is an order issued by the 1st respondent declining to renew the passport of the petitioner on the allegation that he had suppressed the fact that a criminal case is pending against him while applying for a passport. Accordingly, on this basis penalty was also sought to be imposed on the petitioner. This court by order dated 17/8/07 directed the Assistant Solicitor General to take instructions as to whether the petitioner was involved in any criminal case, taking into account the positive assertion made by him in the writ petition that there is no such case pending against him. It is today submitted by the learned counsel for the respondents that the petitioner is not

involved in any criminal case and that he was only one of the respondents in OP 548/05 before the Family Court, Thiruvalla, the judgment of which is Ext.P6. Now that it is evident that he he was not involved in any criminal case, Ext.P5 cannot be sustained.

2. Accordingly, quashing Ext.P5, I direct the respondents to renew the passport of the petitioner, as expeditiously as possible, at any rate within a period of one month from the date of receipt of a copy of this judgment.

3. Petitioner is directed to produce a copy of this judgment before the concerned respondent for compliance.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp